

**DECLARATION OF DR. ERICA BENSON**

I, Dr. Erica Benson, hereby declare as follows:

1. I am a resident of Wisconsin. I am over the age of 18 and have personal knowledge of all the facts stated herein, except as to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. In December 2023, I was appointed as the Executive Director of the Office of Research and Sponsored Programs at the University of Wisconsin – Eau Claire (UWEC).

3. As the Executive Director of the Office of Research and Sponsored Programs at UWEC, I provide general oversight of the grants and sponsored programs.

4. Attached to this declaration as **Exhibit A** is a true and correct copy of an Award Notice issued by the National Science Foundation (NSF) received on May 21, 2025, for award number (FAIN) 2331373. The Award Notice is an amendment to change a co-Primary Investigator. NSF issued award number (FAIN) 2331373 to UWEC on August 21, 2023. Despite that this award was in existence prior to May 5, 2025, the Award Notice includes the following, in relevant part:

If a court decision permits application of [Policy Notice: Implementation of Standard 15% Indirect Cost Rate (NSF 25-034)], NSF may unilaterally modify the terms and conditions of this award to impose the Award Specific [Financial & Administrative Terms and Conditions] set forth below, which shall be applicable to the entire duration of the award. . . . If a court decision permits application of the policy, in accordance with Policy Notice: Implementation of Standard 15% Indirect Cost Rate (NSF 25-034), reimbursement of indirect costs for this award must not exceed 15 percent of the modified total direct cost base (MTDC), regardless of whether the recipient has a current Federal negotiated indirect cost rate. The recipient must use a rate no greater than 15 percent of MTDC, as defined in 2 CFR § 200.1, for the life of the award, including the award period prior to notification of the application of this term. Excess indirect

costs charged to an NSF grant due to use of an incorrect rate will be disallowed. This term and condition supersedes any previously submitted and/or approved budget.

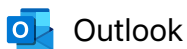
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on June 20, 2025, in Eau Claire, Wisconsin.

A handwritten signature in black ink, appearing to read "Erica Benson", written over a horizontal line.

Dr. Erica Benson

# Exhibit A



Outlook

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**NSF Award Notice for Award ID 2331373 - Amendment ID 001**

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**From** malwilli@nsf.gov <malwilli@nsf.gov>**Date** Wed 5/21/2025 1:26 PM**To** Benson, Erica J. <bensonej@uwec.edu>**Cc** Carney, Michael John <carneymj@uwec.edu>; Dunham, Doug J. <dunhamdj@uwec.edu>; dwaldner@nsf.gov <dwaldner@nsf.gov>; Gerlach, Deidra L <gerlacdl@uwec.edu>; lismarik@nsf.gov <lismarik@nsf.gov>; rshearman@nsf.gov <rshearman@nsf.gov>; Smith, Alex J. <smithaj@uwec.edu>; vgonzalez@nsf.gov <vgonzalez@nsf.gov>

Some people who received this message don't often get email from malwilli@nsf.gov. [Learn why this is important](#)

**NATIONAL SCIENCE FOUNDATION****Award Notice****Award Number (FAIN):** 2331373**Managing Division**  
**Abbreviation:** ITE**Amendment Number:** 001**RECIPIENT INFORMATION****Recipient (Legal Business Name):** UNIVERSITY OF WISCONSIN SYSTEM**Recipient Address:** 105 GARFIELD AVENUE EAU CLAIRE, WI 54701-4811**Official Recipient Email Address:** bensonej@uwec.edu**Unique Entity Identifier (UEI):** RYAQZNSJN9Q9**AMENDMENT INFORMATION****Amendment Type:** Other Admin No Fund Actions**Amendment Date:** 05/21/2025**Amendment Number:** 001**Proposal Number:** Not Applicable**Amendment Description:**

The purpose of this amendment is to change the PI or co-PI in accordance with the Change PI and Add/Change Co-PI request submitted on 04/18/2025. Effective with this amendment, the project is now under the direction of Douglas Dunham, Michael J Carney, Deidra L Gerlach.

Any outreach, recruitment, or participatory activities to reach individuals from

underrepresented populations supported under this award must comply with applicable legal requirements, including those set forth at the term and condition entitled "Non-Discrimination Statutes." Further requirements are set forth in applicable national policy requirements, including Executive Orders, as set forth at the term and condition entitled "Recipient Responsibilities and Federal Requirements."

Recipient is hereby notified of proceedings and resulting stay in Case No. 1:25-cv-11231 in the United States District Court for the District of Massachusetts. In accordance with the court's order dated May 19, 2025, NSF is temporarily staying effectuation of Policy Notice: Implementation of Standard 15% Indirect Cost Rate (NSF 25-034). If a court decision permits application of the policy, NSF may unilaterally modify the terms and conditions of this award to impose the Award Specific FATC set forth below, which shall be applicable to the entire duration of the award. NSF may take such unilateral action by notifying the recipient via email or other written communication. In no event shall NSF unilaterally modify this award to impose an indirect cost rate limitation of less than 15 percent of the modified total direct cost base (MTDC).

If a court decision permits application of the policy, in accordance with Policy Notice: Implementation of Standard 15% Indirect Cost Rate (NSF 25-034), reimbursement of indirect costs for this award must not exceed 15 percent of the modified total direct cost base (MTDC), regardless of whether the recipient has a current Federal negotiated indirect cost rate. The recipient must use a rate no greater than 15 percent of MTDC, as defined in 2 CFR § 200.1, for the life of the award, including the award period prior to notification of the application of this term. Excess indirect costs charged to an NSF grant due to use of an incorrect rate will be disallowed. This term and condition supersedes any previously submitted and/or approved budget.

Except as modified by this amendment, the award conditions remain unchanged.

## PROJECT PERSONNEL

<b>Principal Investigator:</b> Douglas Dunham	<b>Email:</b> dunhamdj@uwec.edu	<b>Organization:</b> UNIVERSITY OF WISCONSIN SYSTEM
<b>co-Principal Investigator:</b> Michael J Carney	<b>Email:</b> carneymj@uwec.edu	<b>Organization:</b> UNIVERSITY OF WISCONSIN SYSTEM
<b>co-Principal Investigator:</b> Deidra L Gerlach	<b>Email:</b> gerlacdl@uwec.edu	<b>Organization:</b> UNIVERSITY OF WISCONSIN SYSTEM

## NSF CONTACT INFORMATION

<b>Managing Grants Official</b> (Primary Contact) <b>Name:</b> Malia Williams <b>Email:</b> malwilli@nsf.gov <b>Phone:</b> (703) 292-2290	<b>Awarding Official</b> <b>Name:</b> Malia Williams <b>Email:</b> malwilli@nsf.gov	<b>Managing Program Officer</b> <b>Name:</b> Rebecca Shearman <b>Email:</b> rshearman@nsf.gov <b>Phone:</b> (703) 292-7403
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